	Application No.	Applicant(s)
Notice of Allowability	09/325,963	ALBRECHT ET AL.
	Examiner	Art Unit
	Victor S. Chang	1771
The MAILING DATE of this communication appe All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in th or other appropriate communic GHTS. This application is subj	is application. If not included cation will be mailed in due course. THIS
1. X This communication is responsive to Appeal Brief filed 7/14	<u>1/2005</u> .	
2. \boxtimes The allowed claim(s) is/are <u>29-33 and 36</u> .		
3.	been received. been received in Application Notuments have been received in Source of this communication to file a received in ENT of this application. Sitted. Note the attached EXAMI as reason(s) why the oath or deat to be submitted. Son's Patent Drawing Review (18) and a submitted on the comment of the header according to 37 CFR 1 sit of BIOLOGICAL MATERIA.	No In this national stage application from the requirements. INER'S AMENDMENT or NOTICE OF eclaration is deficient. PTO-948) attached the Office action of stage application from the back) of .121(d). IAL must be submitted. Note the
Attachment(s) 1. Notice of References Cited (PTO-892) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08 Paper No./Mail Date 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material	6. ☐ Interview Sumr Paper No./Ma 8), 7. ☑ Examiner's Am	il Date .

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sean J. Edman on 3/6/2006.

The application has been amended as follows:

IN THE CLAIMS

In claim 1, line 9, change the term "an unfoamed" to --a ruptured unfoamed--. Withdrawn process claims 1-12 and 18-24 are cancelled.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

The primary reason for allowance of the claims is Applicants' agreement to amend the structural limitation of outer skin layers as "... comprise a ruptured unfoamed, polymeric material". More particularly, neither the cited prior art references of Lindquist or Watson teaches or suggests forming outer skin layers of ruptured unfoamed polymeric material over the surface of a breathable foam core layer, nor is there an obvious motivation to include such solid or unfoamed outer layers to the foam core layer prior to a foam cell rupturing process. As such, this Application is allowed upon Applicants' agreement to include the necessary structural element of "ruptured"

unfoamed" to the skin layers, as set forth above. Finally, it should be noted that while it is known that a conventional process of making a foamed layer usually forms a skin or surface layer having smaller cells, however, it is not the same as an unfoamed (solid) skin layer as claimed, as evidenced by the teachings of Steward et al. (US 4781774), which shows that conventional method tends to create a foam core having increased density at the upper and lower portions and decreased density at the center portion. This density variation results in a closed cellular structure of relatively large size in the center portion creating a less dense portion and a closed cellular structure at or near the surfaces (skins) including the top and bottom portions having a smaller cell size creating a more dense portion (column 1, lines 25-33).

Conclusion

- 3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
- 4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S. Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Victor S Chang

Examiner
Art Unit 1771

3/6/2006